

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 14004 of 2025
(HIRAMANI BAIS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 24-09-2025

Shri Brahmendra Prasad Pathak, learned counsel for the petitioner.

Shri Manas Mani Verma, learned Government Advocate for the State.

Dr. Kedar Singh, District Magistrate, Shahdol along with Shri Ramji Shrivastava, Superintendent of Police, Shahdol are present in person.

Dr. Kedar Singh, District Magistrate, Shahdol admits his mistake that in order of detention dated 09.09.2024, on internal page No.3, he has wrongly made reference to Neerajkant Dwivedi and instead it should have been Sushant Bais, who is son of the present appellant. However, he submits that cases of Neerajkant Dwivedi and Sushant Bais were dealt simultaneously and except for this factual mistake there is no other error in passing order of detention.

However, we are surprised that the superior authority that is the State Government which has been bestowed with the power to approve the orders of the District Magistrate as are contained in sub-section (4) of Section 3 of the National Security Act, 1980, "it is incumbent upon the officer mentioned in sub-section (3), to report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless, in the meantime, it has been approved by the State

Government."

Thus, it is evident that sub-section (4) is a safe guarding provision which provides for the State Government to approve the order of detention passed by the District Magistrate in terms of sub-section (3) of Section 3 of the National Security Act, 1980 within twelve days of making thereof.

It appears that even the State Government approved the order of detention without any application of mind. There is absolutely no application of mind by the State Government otherwise State Government if would have bothered to read the order of detention, as contained in Annexure P-6, would have remitted the matter to the District Magistrate for incorrect facts being mentioned in the order.

Let Additional Chief Secretary, Home by his personal affidavit on this aspect of non application of mind not only by the District Magistrate, Shahdol but also by the State Government explain the maor lapse and will also inform that why exemplary cost be not imposed on the State Government for an illegal order of detention having been passed without application of mind both by the District Magistrate as approved by the State Government.

The State is also directed to produce the original file in which it had processed the case for approval of the orders of the District Magistrate.

Shri Manas Mani Verma, learned Government Advocate for the State prays for seven days time to do the needful.

At this stage, Shri Manas Mani Verma, learned Government Advocate for the State submits that the order, Annexure P-6, was not sent to the State

Government as C.C. is not endorsed to the State Government whereas he draws attention to another order passed by the Collector and District Magistrate, Shahdol dated 09.09.2024, containing only two paragraphs, copy of which was sent to the Secretary, Government of Madhya Pradesh.

We are unable to appreciate this contention of Shri Manas Mani Verma in terms of sub-section (4) of Section 3 of the National Security Act, 1980 which clearly provides for not only reporting the order but also the grounds on which the order is made and such other particulars as, in his opinion, have a bearing on the matter and, therefore, mere absence of endorsement of impugned order, Annexure P-6, to the State Government cannot be deemed to have been not forwarded to the State Government. In fact, if, it was not forwarded, then State should take action against the District Magistrate and report the matter accordingly.

List this case on 07.10.2025, top of the list.

Personal presence of the Collector and the Superintendent of Police, Shahdol is dispensed with.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

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